

The Final 21 Days Before the Election

A key tenet of the City's campaign disclosure laws is that political campaign contributions and expenditures be fully disclosed to the public and that secrecy in the sources and application of such contributions be avoided.

In recent years on several occasions we've investigated and imposed fines when campaigns failed to timely report obligations for significant transactions. We find that such failures to report are not in keeping with the spirit, let alone the letter, of the law.

Please be aware that we expect full and timely reporting of all your campaign obligations. If you have any questions about when something is a reportable obligation, please contact Polly Grow. Future penalties for failing to timely and accurately report obligations will reflect the seriousness of the violation.

FILING REPORTS

Please note that while we frequently waive or reduce penalties when committees promptly correct their errors, we generally do not waive or reduce them in the final week before the election.

1. 21-DAY AND 7-DAY C4S

You are required to file two C4 reports in the weeks leading up to the Election. One is due to be filed no later than 21 days before the election, on October 15th, and must report activity from the day after your last report through the close of business on October 14th. The 7-day report is due to be filed no later than 7 days before the election, on October 29th, and must report activity through the close of business on October 28th.

2. REPORT OUTSTANDING OBLIGATIONS

The C4 reports filed by your committee must report outstanding debts & obligations of the committee on Schedule B, Line 3. This includes obligations for which you have not yet received an invoice.

The campaign treasurer should contact each of the campaign's decision-makers after the close of business on October 14th and again on October 28th and ask if they have made any verbal agreements with vendors to purchase goods or services or reserve advertising or production space. If the exact amount of the obligation is not yet known, you must report an estimate of the amount.

In general, if you have made a commitment to pay someone, or if a vendor has done any work on your behalf expecting payment—whether or not it's legally enforceable—then you must report that activity as an obligation or a debt.

If you fail to timely report all required obligations your campaign may be subject to penalties in addition to late filing penalties.

3. INCLUDE INFORMATION ON SUB-VENDORS

State and City law require that filers must also provide detailed information on sub-vendors your campaign consultant(s) have contracted with. For example, if you paid a consultant to put together a mail piece for your campaign, the consultant must provide you with the name, address and amount paid to the sub-vendor(s) e.g. mail house, post office, printer, graphic designer, list provider, etc. Report this information on the Schedule A with your expenditures. Remember to report sub-vendor information on in-kind contributions and expenditures as well.

4. PROVIDE DETAIL ON EXPENDITURES OF \$5,000 OR MORE

For all expenditures of more than \$50, you must provide a description of the expense. For expenditures of \$5,000 or more, provide a narrative description. For example: for broadcast advertising include the vendor (and subvendor) name, broadcast station, or cable vendor, dates the ad is scheduled to run, the length of the ad.).

5. CONTINUE TO FILE C-3S EACH MONDAY to report deposits made during the previous week. If you did not make a deposit, you do not have to file a C-3.

6. CONTRIBUTION LIMITS DURING THE FINAL 21 DAYS

Candidate committees are subject to the \$700 contribution limit throughout the election cycle. A candidate can contribute no more than \$5,000 to his or her own campaign during the final 21 days. Before the 21st day, there is no limit to the amount the candidate can contribute to his or her own committee. State law does, however, place strict limits on the amount a candidate can be repaid after an election. Please contact the PDC directly before making a loan or contribution to your own committee.

NEW The December 2011 ruling on the [Family PAC v. McKenna](#) case did away with contribution limits for non-candidate committees during the final 21 days before the election. The SEEC voted on [May 2, 2012](#) to suspend enforcement of a similar provision in City law (SMC 2.04.265.B). Therefore, non-candidate committees *may* accept contributions or loans of more than \$5,000 in the aggregate during the final 21 days before the election.

Contributions of \$1,000 or more, when aggregated and received during the final 21 days before the election must be reported as follows: 1) in a Special Report of Late Contributions by 4:30 p.m. no later than the next business day, and 2) on a C-3 on or before the following Monday.

7. SPECIAL REPORTS

Late Contributions –The committee must [e-file](#) a Special Report of Late Contributions (SRLC) no later than 4:30 p.m. the next business day following the RECEIPT of any contribution (monetary or in-kind) from a single contributor of \$1,000 or more in the aggregate during the final 21 days before the election. Committees are required to file the Special Report for a contribution that equals or exceeds \$1,000 on its own, or that totals \$1,000 or more in the aggregate when combined with other contributions from that person received during the final 21 days before the election.

In addition, the committee must file a SRLC no later than 4:30 pm on the 21st day before the election to report any contribution (monetary or in-kind) from a single contributor of \$1,000 or more in the aggregate **received prior to the 21st day**, but not yet reported. (See below for info on Electronically Filing the Special Report.)

The Special Report must disclose the name & address of the contributor, the date the campaign received the contribution and the amount of the contribution. Please note the contribution must also be reported on a C-3 or C-4 as appropriate.

Campaigns may use a PDC Form C-3 to report the special late contribution(s) in lieu of the Special Report as long as the C-3 is filed no later than 4:30 p.m. the next business day after the receipt of the contribution pursuant to SMC 2.04.265, and an electronic message is sent to the SEEC at the time the C-3 is filed stating that the Special Late Contribution is reported on the C-3 of (date) and (deposit amount).

Late Independent Expenditures – Independent Expenditure committees are required to file three items each time they make an expenditure of \$1,000 or more during the Final 21 days.

1) The committee must file a Special Report of Late Independent Expenditures no later than 4:30 p.m. the next business day after an expenditure is incurred. Please review the definition of expenditure in the Elections Code (the relevant portion is copied below).

“Expenditure” means a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay; and a payment or transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.... [SMC 2.04.010]

The Special Report can be e-filed and must include the following information: i) vendor name and address, ii) amount of expenditure, iii) subvendor name(s) and address(es), if any, and iv) a description of the expenditure. (See Item 4. above).

2) The committee must deliver a copy of the independent expenditure advertising to the SEEC within two business days of disseminating the advertising. You can deliver to our office in person at 700 5th Ave, Suite 4010, or by fax (206) 684-8590 or email to polly.grow@seattle.gov.

3) The committee must also file with each Special Report an affidavit of independence stating that the maker has made reasonable inquiry and determined that as to each of the following: the expenditure was made without consultation, collusion, or cooperation with (i) any candidate, candidate political committee, or ballot proposition committee that a reasonable person making the independent expenditure would expect to benefit from the expenditure; (ii) the officers of such candidate's or proposition's political committee; or (iii) such candidate's or committee's agents. Each affidavit must be notarized or declared under penalty of perjury. The affidavit may be faxed to 206-684-8590 or emailed to polly.grow@seattle.gov. If you are filing more than one

Special Report, make sure that the affidavit specifies which advertising piece(s) the affidavit applies to.

ELECTRONICALLY FILING THE SPECIAL REPORT

File the Special Report electronically by logging in to the SEEC Electronic Filing System here:

<https://www2.ci.seattle.wa.us/ethics/filers/login.asp>

Use your SEEC issued User Name and password to upload the Special Report. If you don't have a user name and password, (the same you use for uploading and posting reports to the City) contact:

bob.deweese@seattle.gov or polly.grow@seattle.gov

OTHER IMPORTANT STUFF TO REMEMBER

8. SPONSOR IDENTIFICATION

Remember to include the sponsor id on all of your advertising. During the last minute rush to get your message out, this one important item is frequently overlooked. City law is similar to State law, but it is not the same. Under City law, you must include the words **“Paid for by”** or **“Sponsored by”** followed by the name of the committee on broadcast advertising. Broadcast advertising includes cable, radio, and automated telephone ads (robocalls). The sponsor identification **must be clearly spoken** in all broadcast ads.

In print, and on websites, you must include the words “Paid for by” or “Sponsored by” followed by the person or committee who paid for the advertising and that person's or committee's address. If the person who paid for the ad is different than the person who sponsored it, you must also include the words, “Sponsored by” followed by the name and address of the sponsor.

In all other aspects of sponsor ID, compliance with State law is acceptable for complying with City law.

Please note: State law allows a printed sponsor ID in TV advertisements, but there is no provision in the City's Elections Code for omitting the spoken sponsor id. The sponsor id **must be clearly spoken**. [SMC 2.04.290 B]

9. RECORDS AVAILABLE DURING THE FINAL 8 DAYS

Campaign records must be available for public inspection for two hours on Monday, October 28th, and by appointment, Tuesday through Friday, October 29th – November 1st, and also on Monday, November 4th.

If you have not already designated a **time and place** for making your records available **on October 28th**, please send an email to Wayne.Barnett@seattle.gov immediately providing this information.

To see what location and time we have on file for you, click on the Campaigns link from our site www.seattle.gov/elections Find your campaign name and click. Scroll to the “Committee Registration Statement “PopUp” button, or “Other Information from Most Recent C1.”

10. REQUESTING A CHANGE IN LOCATION FOR PUBLIC INSPECTION

If you wish to change the place and/or time for public inspection of your records, you must seek written authorization from the Executive Director. Send your request (email is fine) to Wayne Barnett, Executive Director at:

Seattle Ethics and Elections Commission
700 Fifth Avenue, Suite 4010
P.O. Box 94729
Seattle, WA 98124-4729
wayne.barnett@seattle.gov

If you have any questions about your filing requirements, please let me know.

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